

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: 10/29/12

**JUDGE
JOHN LOVE**

**REPORTER: Jill McFadden
LAW CLERK: Anna Phillips**

U.S. ETHERNET INNOVATIONS, LLC Plaintiff vs. RICOH AMERICA'S CORPORATION, ET AL Defendant	CIVIL ACTION NO: 6:12CV235 MOTIONS HEARING (Document #46 & 47)
ATTORNEY FOR PLAINTIFF	ATTORNEY FOR DEFENDANT
Wes Hill and Ryan Walsh	Melvin Wilcox, Connor Civins, Rick Faulkner, Steve Schortgen - see attached sheet

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 1:36

ADJOURN: 2:56

TIME:	MINUTES:
1:36	Attorneys announce ready.
	Judge thanks attorneys. We have two things set which are Doc. 46 and 47. Anything before we get started?
1:40	Mr. Schortgen for STMicroelectronics - gives Judge a demonstrative. Continues on giving background.
1:50	Judge has no questions at this point.
1:50	Wes Hill for Plaintiff. A few more background facts.
1:51	Judge states there were 2 Markman orders from California. What is the status?
	Wes Hill cases are just sitting. The Judge in California has retired. No current schedule is in place.
1:53	Judge asks Mr. Hill a question with regard to upcoming dates.

DAVID J. MALAND, CLERK

FILED: 10/29/12

BY: *Sharon Guthrie*, Courtroom Deputy

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TIME:	MINUTES:
1:54	Mr. Hill responds. Invalidity contentions were served years ago. The Defendants are not starting from scratch. Infringement served at the latest October 5.
1:59	Judge asks Mr. Hill a question about the '874 patent.
1:59	Mr. Hill states that is not my understanding.
2:00	Judge wants to move the cases as quickly as possible. Deny the motion to reschedule. Lets move to the disputes on the various foundational orders.
2:04	Mr. Civins discusses one or two mediation dates.
2:05	Judge states different dates for mediation but will stick with two. Dispute over testifying experts.
2:06	Mr. Schortgen discusses testifying experts. Are we all set for trial together or not?
2:07	Mr. Hill raises one issue - whether 4 is the number for each defendant.
2:08	Mr. Schortgen responds.
2:09	Judge states I am going to go with defendants on this. Lets move to deposition time - 300 hours seems excessive. Heading towards splitting the difference.
2:12	Mr. Schortgen responds.
2:14	Mr. Davison responds.
2:15	Mr. Hill responds.
2:16	Judge is going to split the baby and give defendants collectively 225 hours. Next issue is inventor depositions. What is wrong with expanding the number of hours?

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TIME:	MINUTES:
2:19	Mr. Hill responds that they do not represent the inventor.
2:19	Mr. Schortgen responds.
2:20	Judge asks how many inventors. Attorneys state four. Defendants proposal here. The next is discovery from other actions. Which cases are these?
2:21	Mr. Hill states it is the California cases and expounds.
2:23	Judge asks to hear from defendants.
2:23	Mr. Schortgen responds.
2:23	Judge asks a question.
2:24	Mr. Schortgen responds.
2:25	Judge expounds.
2:26	Mr. Schortgen asks about amending the statement.
2:26	Judge asks about changing the language.
2:28	Mr. Schortgen we are not trying to get a pre-ruling on admissibility.

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TIME:	MINUTES:
2:28	Mr. Hill responds.
2:30	Judge expounds. Not going to adopt anything on that at this point. Move on to export regulation.
2:32	Mr. Faulkner responds.
2:34	Mr. Hill responds.
2:36	Mr. Faulkner briefly responds.
2:37	Judge asks a question. What is the ECCN classification?
2:38	Mr. Faulkner responds.
2:39	Judge states I assume we know.
2:39	Mr. Faulkner responds.
2:40	Judge asks what is the purpose of this?
2:40	Mr. Faulkner responds.
2:42	Judge states he will not put this in the protective order.

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TIME:	MINUTES:
2:44	Mr. Hill responds.
2:45	Judge states lets move to access.
2:45	Mr. Faulkner asks for more than 14 days.
2:46	Mr. Hill responds.
2:46	Judge is going to adopt the 14 days. If more time is needed work it out. Now lets move to the electronic discovery issue.
2:47	Mr. Hill responds.
2:48	Mr. Lee responds as to TrendNet. We do not have the e-discovery tool.
2:49	Judge asks for Mr. Hill to respond to TrendNet. What about this defendants issue?
2:50	Mr. Hill responds. They may have to buy additional software as well.
2:51	Judge states as to TrendNet he will allow a carve out and produce initially.
2:52	Mr. Hill responds.
2:52	Judge says lets move to spreadsheets and data base files.

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TIME:	MINUTES:
2:52	Mr. Wilcox responds. Look to paragraph E.
2:53	Mr. Hill responds.
2:53	Mr. Wilcox responds.
2:54	Judge is going to adopt plaintiff's position. Anything new on the mediator?
2:55	Mr. Hill states Judge Folsom is agreed to.
2:55	Judge appoints Judge Folsom as mediator. Parties are asked to submit a joint motion with the multiple orders attached. Parties have one week to submit. Anything further?
2:56	Mr. Wilcox asks about motion to transfer.
2:56	Judge will get back to you. We are adjourned.